IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO.5921 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.R.K.Mendadkar, for the Petitioner
Mr. C.R. Sonawane, AGP for Respondent State.
Mr. Nitin Jamdar for Respondent No.2.

CORAM : F.I.REBELLO & S.P. KUKDAY,JJ.
DATED : 24th February, 2005

P.C.

. Rule. Heard forthwith.

2. The petitioner soug appointment on compassionate ground. The respondent No.2 was willing to appoint provided the petitioner produces the caste validity certificate.

3. The contention of the petitioner is that considering that his appointment is on compassionate ground the question of producing the caste validity certificate does not arise. On behalf of the respondent No.2 their learned Counsel points out that if the petitioner is willing to give up his claim for appointment as belonging to Scheduled Tribe and also give up his right for further promotion as belonging to S.T. they have no objection to give appointment to the petitioner.

4. On behalf of the petitioner learned Counsel makes a statement on instructions that he may be appointed as a candidate belonging to open category and he will not seek any promotion on the ground he belongs to S.T. Statement accepted. The respondent No.2 is directed to give appointment to the petitioner against open category seat with a further direction that the petitioner will not be entitled to claim any promotion based on the claim that he belongs to S.T. Rule made absolute accordingly. No order as to costs.

5. On the petitioner filing undertaking in terms of what is set out in the order of this Court the Respondent No.2 give appointment to the petitioner within a period of six weeks. Needless to say that the statement and the undertaking are subject to the law in force. The Letter written by the Respondent No.2 to the Counsel is taken on record.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)